

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
TENNESSEE, NORTHERN DIVISION, AT KNOXVILLE**

DOUGLAS B. WALKER  
AND LISA WALKER,

PLAINTIFFS,

V.

No. 3:04-CV-423

BACOU-DALLOZ FALL PROTECTION, INC, ET. AL.

DEFENDANTS.

**AGREED ORDER AUTHORIZING EXAMINATION  
AND COPYING OF RECORDS**

Upon agreement of the parties to enter an Order authorizing examination for discovery of medical, employment and other records of or pertaining to **Douglas B. Walker**, and in order to conserve the time and expense to the parties, any governmental offices, any past or present employers, whether full-time or part-time, any partnerships or professional corporations, and any physicians, psychiatrists, psychologists, osteopaths, podiatrists, dentists, chiropractors, nurses, x-ray technicians, physical therapists, hospitals, clinics and/or other healthcare facilities and/or entities involved,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that any and all physicians, psychiatrists, psychologists, osteopaths, podiatrists, dentists, chiropractors, nurses, x-ray technicians, physical therapists, hospitals, clinics and/or other healthcare facilities and/or entities are hereby authorized and directed to make available to Attorney for Plaintiff, Michael S. Pemberton of Daniel, Pemberton, Scott & Scott, PLLC, and Attorney for the Defendant, Samuel C. Doak of Arnett, Draper & Hagood, any information or opinion that they may request regarding the physical condition

of **Douglas B. Walker** and any treatment which has been rendered to **Douglas B. Walker**, and to produce for examination and copying, at their expense, any and all documents and other records, including but not limited to hospital records, doctors' reports, intake sheets, x-rays, MRIs, office notes and charts and billing records evidencing or pertaining in any way to the medical condition or treatment of **Douglas B. Walker**, or the charges for same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all past or present employers of **Douglas B. Walker**, whether full-time or part-time, are hereby authorized and directed to make available to Attorney for Plaintiff, Michael S. Pemberton of Daniel, Pemberton, Scott & Scott, PLLC, and Attorney for the Defendant, Samuel C. Doak of Arnett, Draper & Hagood, any information that they may request regarding the past or present employment of **Douglas B. Walker**, and to produce for examination and copying at their expense any and all documents or other records, including but not limited to the personnel file, attendance records, sick leave records, leave of absence records, vacation records, evaluations, medical file, grievance file, employment file, insurance records and compensation records, evidencing or pertaining in any way to the income or employment of **Douglas B. Walker**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, and the parties have agreed that the confidentiality provisions set forth in T.C.A. § 50-7-701, et seq. are waived by **Douglas B. Walker** and the Director of Unemployment Insurance, or similar governmental official or agency, is authorized and directed to make available to Attorney for Plaintiff, Michael S. Pemberton of Daniel, Pemberton, Scott & Scott, PLLC, and Attorney for the Defendant, Samuel C. Doak of Arnett, Draper & Hagood, any information or opinion they may request regarding unemployment compensation

requested by or provided to **Douglas B. Walker** and to produce for inspection and copying, at their expense, any and all documents and other records evidencing or pertaining in any way to the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Social Security Administration, or similar governmental official or agency, is authorized and directed to make available to Attorney for Plaintiff, Michael S. Pemberton of Daniel, Pemberton, Scott & Scott, PLLC, and Attorney for the Defendant, Samuel C. Doak of Arnett, Draper & Hagood, any information or opinion they may request regarding Social Security benefits requested by or provided to **Douglas B. Walker** and to produce for inspection and copying, at their expense, any and all documents and other records evidencing or pertaining in any way to the same, including but not limited to, wage earning records, Social Security disability records and the Social Security appellate file.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any school, high school, college, university, trade school or other learning facility, in which **Douglas B. Walker** is or was a student is authorized and directed to make available to Attorney for Plaintiff, Michael S. Pemberton of Daniel, Pemberton, Scott & Scott, PLLC, and Attorney for the Defendant, Samuel C. Doak of Arnett, Draper & Hagood, any information or opinion they may request regarding **Douglas B. Walker** and to produce for inspection and copying at their expense, any and all documents and other records in its possession regarding **Douglas B. Walker**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any insurance carrier (including TennCare and similar organizations), health care provider, medical insurance provider, health management corporation or pharmacy in which **Douglas B. Walker** is, or ever was covered for medical insurance is authorized and directed to make available to Attorney for Plaintiff, Michael

S. Pemberton of Daniel, Pemberton, Scott & Scott, PLLC, and Attorney for the Defendant, Samuel C. Doak of Arnett, Draper & Hagood, any information or opinion that they may request regarding **Douglas B. Walker** and to produce for inspection and copying at their expense, any and all documents and other records in its possession regarding **Douglas B. Walker**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of a certified copy of this Order shall be treated as an original and all affected persons or entities shall comply with the terms of this Order.

In accordance with the **Health Insurance Portability and Accountability Act ("HIPAA")**, **45 C.F.R. §160 and §164**, Plaintiff, **Douglas B. Walker**, hereby acknowledges, through counsel, that release of medical and/or psychological records per this Order shall be used for discovery purposes in the above-styled lawsuit. Plaintiff further acknowledges, through counsel, that any request for medical and/or psychological records shall include all records pertaining to treatment rendered to the Plaintiff, irrespective of type of treatment or time of services rendered. Plaintiff acknowledges, through counsel, that records obtained per this Order may be disseminated to agents and/or associates of defense counsel, including but not limited to, Defendant or its agents and expert witnesses, and that any such information disseminated will no longer be protected by HIPAA privacy standards. In further accordance with HIPAA, counsel for the Defendant hereby acknowledges that dissemination of records obtained per this Order shall be limited to agents and/or associates, including, without limitation, Defendant or its representatives and expert witnesses. This Order shall remain in full force and effect for the maximum duration permitted by law. This Order may not be unilaterally revoked by the Plaintiff without the express permission of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that copies obtained under this Order shall be promptly provided to the opposing parties' counsel by the law office receiving such documents within 20 days of receipt of same, or within 2 days, whichever period is shorter, prior to any hearing, deposition, or other proceeding at which the records or information received or reviewed are used or could be used as the basis for any questioning or argument

ENTER this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
s/ C. Clifford Shirley, Jr.  
C. Clifford Shirley  
Magistrate Judge

APPROVED FOR ENTRY:

ARNETT, DRAPER & HAGOOD

By: s/Samuel C. Doak  
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**Attorney for Plaintiffs, Douglas B. Walker and Lisa Walker**